

JS-6

NOTE: CHANGES MADE BY THE COURT

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

PANAVISE PRODUCTS, INC., a
Nevada corporation,
Plaintiff,

vs.

PETER TSUI, an individual d.b.a.
VANGODDY.COM and/or
VANGODDY,
Defendant.

Case No.: **CV09-09510-JFW (CTx)**
Assigned to Honorable John F. Walter
Filed: December 29, 2009

**STIPULATED JUDGMENT AND
PERMANENT INJUNCTION**

Upon reviewing the Stipulation Re: Entry of Judgment and for Permanent Injunction (“Stipulation for Judgment”) filed herein, the Court approves of said Stipulation for Judgment, and therefore:

JUDGMENT IN THIS MATTER IS ENTERED AS FOLLOWS:

A. Defendant, PETER TSUI, an individual d.b.a. VANGODDY.COM and/or VANGODDY (“VanGoddy” and/or “Defendant”), and his agents, employees, and shareholders, and those persons in active concert or participation with any of them, are permanently enjoined upon entry of this Stipulated Judgment and Permanent Injunction from:

1 (1) Reproducing, copying, counterfeiting, colorably imitating or
2 otherwise using Plaintiff's trade dress and patents, including without limitation
3 United States Patent No. D521850 (the "850 Patent");

4 (2) Offering for distribution, distributing, offering for sale, or
5 selling any suction cup mounts whose design, appearance or trade dress so
6 resembles the distinctive design, appearance, or trade dress of Plaintiff's suction
7 cup mounts as to likely cause confusion, mistake, or deception;

8 (3) Offering for distribution, distributing, offering for sale, selling,
9 advertising, publicizing or promoting any suction cup mounts whose design,
10 appearance or trade dress so resembles the distinctive design protected by the '850
11 Patent as to likely cause confusion, mistake, or deception

12 (4) Using in connection with Defendant's products any false or
13 deceptive designation, representation or description of Defendant's or their
14 products, whether by words, symbols, product design or appearance, or trade dress,
15 which would damage Plaintiff.

16 (5) Using any false designation of origin, false advertising, false
17 impression or false representation that tends to pass off Defendant's products as
18 those of Plaintiff in a way that is likely to cause confusion, or likely to deceive as
19 to the affiliation;

20 (6) Engaging in any acts of state or common law infringement or
21 unfair competition which injure or would tend to injure Plaintiff;

22 (7) Engaging in any unlawful acts causing injury to the business
23 reputation of Plaintiff or dilution of the distinctive quality of Plaintiff's product
24 design and appearance or trade dress;

25 (8) Trading upon or appropriating the goodwill and business
26 reputation of Plaintiff;

27 (9) Inducing, encouraging, aiding, abetting or contributing to any
28 of the aforementioned acts;

1 **(10)** Advertising, displaying at trade shows, marketing in literature
2 or on the internet or other promotion of any suction cup mounts whose design,
3 appearance or trade dress so resembles the distinctive design, appearance, or trade
4 dress of Plaintiff's suction cup mounts, including without limitation '850 Patent, as
5 to likely cause confusion, mistake, or deception; and

6 **(11)** Reproducing, copying, counterfeiting, colorably imitating or
7 otherwise using trademarks and service marks of Plaintiff, PANAVISE
8 PRODUCTS, INC. ("PanaVise Products" and/or "Plaintiff"), including without
9 limitation United States Trademark Registration No. 3,496,073.

10 **B.** Compensatory damages, and attorneys' fees and costs in the sum of
11 \$2,000 are to be awarded to Plaintiff, PANAVISE PRODUCTS, INC. and against
12 Defendant, PETER TSUI, and shall be paid no later than twenty (20) days from
13 entry of this Stipulated Judgment and Permanent Injunction and delivered to The
14 Walker Law Firm, A Professional Corporation, 1301 Dove Street, Suite 720,
15 Newport Beach, CA 92660-2664.

16 **C.** The Settlement Agreement remains in full force and effect.

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18 DATED: March 2, 2010

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20 Honorable John F. Walter
21 Judge of the United States District Court
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